

DRAFT

TUCSON AMA SAFE-YIELD TASK FORCE ISSUE OUTLINE 4/19/00

ISSUE: ADWR'S COMPLIANCE AND ENFORCEMENT APPROACH

ADWR's statewide compliance and enforcement activities are not always timely, and the program could be more effective if the Department took a more pro-active approach. More timely audits, audit reports, and stipulation development would help avoid protracted compliance cases. Conservation opportunities are lost while cases remain unresolved.

BACKGROUND

Due to lack of staff resources and a number of high priority projects, ADWR's compliance program has not received sufficient attention in recent years. There are several violations in the turf and municipal sectors in the Tucson AMA that have not had a timely response.

A more proactive, assistance-based program could achieve more water savings and result in fewer violations. If a shift in focus of the municipal program towards the "end users" is achieved, a partnership approach between the providers and the Department could be developed that may be more effective than the current regulatory approach. Education should be a bigger component of the compliance program. ADWR staff resources currently used for compliance purposes could be better utilized in an assistance mode.

SOLUTIONS CONSIDERED

The following ideas have been considered. Additional ideas may be added to this list.

- An early warning system that puts users who are in danger of a violation on notice and triggers an assistance program could be initiated. Providers would have to notify ADWR of the potential problem or provide interim water use data in advance of the required annual report.
- More staff could be allocated to the compliance program to allow more timely assistance and compliance activities.
- Develop a compliance related education program, more programs that are developed in advance to assist with compliance problems.
- Highlight success stories, awards programs, and technology transfer from successful programs.
- A required timeline for ADWR compliance responses should be developed.
- The ability for the State to fine flagrant high water users on municipal systems should be established.
- The pay scale for ADWR employees should be increased to improve staff retention and productivity levels.
- An incentive for early self-reporting of violations should be developed, including reduced fines and penalties.

PRELIMINARY RECOMMENDATIONS

Increase the effectiveness of the compliance program within the ADWR using the following mechanisms:

- Evaluate staffing levels and priorities to improve efficiency and timeliness in AMAs and legal division.

- Improve pay scale for professional staff to increase staff retention.
- Adopt enforceable response timelines for all standard compliance cases, and track and report cases that exceed these timeframes.
- Return the compliance fund to ADWR, rather than putting the money in the general fund, to provide additional funding for the program.
- Develop an early self-reporting incentive.

OBSERVATIONS

It is unlikely that the Department would know before a water user does whether that user is headed for a violation. The Department does not receive water use information until the end of March of the year following a calendar water use year, since that is the date that the annual water use reports are due. In contrast, a properly managed facility or municipal provider should be reviewing monthly water use data to catch changes in water use trends as they are developing and take steps to prevent violations.